

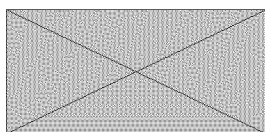
**To:** McGowan, Michael[McGowan.Michael@epa.gov]; Kluesner, Dave[kluesner.dave@epa.gov];  
Martin, John[Martin.JohnJ@epa.gov]  
**From:** Enck, Judith  
**Sent:** Thur 9/1/2016 11:55:08 AM  
**Subject:** Fwd: EPA Owns Up To Blowing Deadline To Limit Perchlorate

See Hoosick article. If we don't have a subscription we can just not include this

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**From:** Environmental Law360 <[news-q@law360.com](mailto:news-q@law360.com)>  
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**Subject:** EPA Owns Up To Blowing Deadline To Limit Perchlorate



## ENVIRONMENTAL

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**Thursday, September 1, 2016**

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### TOP NEWS

LAW  
FIRMS

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#### EPA Owns Up To Blowing Deadline To Limit Perchlorate

Alston  
& Bird

In response to a lawsuit by the Natural Resources Defense Council, the U.S. Environmental Protection Agency acknowledged in New York federal court Wednesday that it had failed its legal obligation to propose and promulgate regulations on perchlorate, a toxic chemical that can pollute drinking water.

Arent  
Fox

Arnold  
&  
Porter

#### Chevron Arbitrators Will Consider 2nd Circ. Donziger Decision

A tribunal hearing Chevron Corp.'s bid to nullify a \$9.5 billion pollution judgment imposed by Ecuador's courts recently said that the arbitrators will consider U.S. court findings that the Ecuadorean ruling was tainted by fraud, but may ultimately reach a different conclusion.

Baker  
Keener

BakerHc

#### Jury's \$73M Land Deal Award Stays Axed, Calif. Panel Says

A California appeals court refused to rehear its decision to nix the \$73.4 million plus punitive damages a jury awarded the developers of a proposed solar-powered city over a soured land deal, but did issue a revised opinion Tuesday.

Berkowi  
Oliver

Bryan  
Cave

#### Only FDA Can Be Sued For Salmon Decision, Judge Says

Chadbo

The U.S. Fish and Wildlife Service may have led the Food and Drug Administration astray when it suggested that the FDA change its mind about whether approvals for genetically engineered salmon could affect endangered species, but it's the FDA, not the FWS, that can be sued over the decision, a California federal judge ruled on Tuesday.

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& Bird

### **NY AG Sued For Docs On Climate Probe Coordination**

Arent  
Fox

A free-market advocacy group hit the New York Attorney General's Office with a lawsuit Wednesday, looking to make the office cough up any common interest agreements it may have signed with other states or parties in the pursuit of investigations into oil companies' allegedly misleading statements about climate change.

Arnold  
&  
Porter

## **POLICY & REGULATION**

Baker  
Keener

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### **EPA, DOI Urged Army Corps Not To OK Pipeline, Docs Show**

BakerHc

The U.S. Army Corps of Engineers ignored concerns from the U.S. Environmental Protection Agency, the U.S. Department of the Interior and the Advisory Council on Historic Preservation when approving the highly controversial \$3.8 billion Dakota Access oil pipeline, according to public records published Tuesday.

Berkow  
Oliver  
Bryan  
Cave

### **NY Officials Slam EPA For Role In Village's Water Crisis**

Chadbo  
& Parke

The heads of New York's health and environmental agencies called on the U.S. Environmental Protection Agency on Tuesday to reimburse the state for costs associated with responding to a water contamination crisis in a village about 30 miles northeast of Albany, saying the EPA had aggravated the situation with conflicting guidance.

Cory  
Watson

### **EPA Appeals Board Won't Review Navajo Coal Plant Permit**

Coughlin  
Duffy

The U.S. Environmental Protection Agency upheld an air quality permit authorizing construction of a coal treatment system at the Navajo Generating Station in Arizona, rejecting a petition claiming the permit's compliance monitoring of visible emissions from the new facility is inadequate.

Davis  
Graham  
Davis  
Wright  
Tremain

## **ENFORCEMENT**

Day  
Pitney

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### **Australian Agency Slaps VW With Emissions Scandal Suit**

Dentons

An Australian consumer protection agency became the latest entity to sue Volkswagen AG over its diesel emissions scandal when it filed a lawsuit in the Federal Court of Australia against the German automaker alleging deceptive conduct, according to a Thursday press release.

Dorsey  
&  
Whitney

## **LITIGATION**

Douglas  
&  
London

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## **\$1B Suit Says Hitachi Stole Trade Secrets For Fukushima Work**

Purolite Corp. on Wednesday hit Hitachi America Ltd. and another firm with a \$1 billion suit in New York federal court, accusing them of conspiring to steal Purolite's water treatment trade secrets in order to secure contracts for radioactive water decontamination at the tsunami-ravaged Fukushima Daiichi nuclear plant in Japan.

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FIRMS

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Fox

## **DuPont Can't Decelerate 'Group Of 40' Cancer Trials**

An Ohio federal judge said Tuesday he would not reconsider fast-tracking to trial two more cases in multidistrict litigation stemming from DuPont's alleged dumping of toxic Teflon chemicals, rejecting the company's argument that lack of preparation time would prejudice DuPont.

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&  
Porter

Baker  
Keener

## **FWS Agrees To Decide ESA Protection For 9 Species**

A D.C. federal judge approved the U.S. Fish and Wildlife Service's settlement Wednesday with an environmental group in which the government will have to determine in the coming years whether nine species deserve protection under the Endangered Species Act.

BakerHc

Berkowi  
Oliver

## **11th Circ. OKs Fed Park Plans Over Nixed Trail Concerns**

The Eleventh Circuit on Wednesday upheld a rule determination by the National Park Service and other federal agencies to close more than 100 miles of off-road trails as part of an expansion plan, saying the federal agencies followed applicable laws in their plans for an expansion in Big Cypress National Preserve.

Bryan  
Cave

Chadbo  
& Parke

## **Iowa Judge Won't Curb Dakota Pipeline Protests, For Now**

A federal judge on Tuesday rejected a bid by the company behind the \$3.8 billion Dakota Access crude oil pipeline for an emergency order to limit protests of pipeline construction in the state, saying the groups planning a rally against the project had indicated their actions would be nonviolent.

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## **Transco Sues To Use Eminent Domain In Ga. Pipeline Project**

Transcontinental Gas Pipe Line Co. on Wednesday sued to exercise eminent domain over several parcels of land in northwest Georgia, telling a federal court that it needs the land to build a natural gas pipeline and that it hasn't been able to reach an agreement with the landowners.

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## **Final Bellwether Trials Picked In Syngenta Tainted Seed MDL**

Corn producers and nonproducers' bellwether cases are now set in multidistrict litigation alleging Syngenta AG tainted corn exports to China with genetically modified seed and cost the industry upward of \$1 billion, according to filings Tuesday in Kansas federal court.

Dentons

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## **EPA Pollution Notice Letter Triggers Coverage, NJ Court Says**

A New Jersey state judge ruled Tuesday that a U.S. Environmental Protection Agency proceeding against an alleged polluter qualifies as a "suit" triggering an insurer's duty to

Douglas  
&  
London

defend, finding that OneBeacon must defend Cooper Industries in connection with environment remediation efforts at two sites in the Garden State.

LAW  
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## EXPERT ANALYSIS

Alston  
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### **NY Clean Energy Order: Unfair To Small Hydro Facilities?**

Arent  
Fox

A recent order from the New York Public Service Commission involving the implementation of a large-scale renewable energy program is yet another reminder that state or federal regulatory policies can interfere with wholesale competitive electricity markets with potentially unforeseen economic consequences, says Richard Drom of Eckert Seamans Cherin & Mellott LLC.

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### **On The Horizon: Revisions To Prop 65 Warning Regulations**

BakerHc

Though California's Office of Environmental Health Hazard Assessment could make additional revisions to its newly proposed Proposition 65 regulations, they appear poised for finalization. This new Article 6 effort represents a major change and update from the prior warning scheme and would have significant consequences for businesses, says Vanessa Adriance of Gibson Dunn & Crutcher LLP.

Berkowi  
Oliver

Bryan  
Cave

### **Why Congress Should Quickly Re-Up 2 Small Biz Programs**

Chadbo  
& Parke

Despite bipartisan efforts, the future is uncertain for the by all accounts highly successful Small Business Innovative Research and Small Business Technology Transfer programs. These programs provide valuable research funding to companies with good ideas but little capital, and Congress' failure to reauthorize would be an unfortunate mistake, says Tina Reynolds of Morrison & Foerster LLP.

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Duffy

### **Reconciling The Practice With The Business Of Law**

Davis  
Graham

The tension between practicing law and managing the firm is giving way to the realization that the latter had been largely overlooked, meagerly funded, and often underappreciated, says Dr. James Bailey, a professor at George Washington University School of Business and the keynote speaker at the Legal Marketing Association Southeast conference in September.

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## LEGAL INDUSTRY

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### **The Path Of The Essential Associate**

Dentons

Demand for legal associates is high these days, yet the hiring market remains competitive, according to industry experts who say successful associates will carve out a niche for themselves in growing practice areas and make themselves indispensable to both their firm and their clients.

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### **The Top In-House Hires Of August**

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S&P picks up a general counsel from the energy industry, Macy's nabs Office Depot's top lawyer, and several outside counsels go in-house to take full-time jobs with clients. Those

hires top the in-house moves you should know about.

LAW  
FIRMS

### **Chadbourn Partner Hits Firm With \$100M Gender Bias Action**

A media and consumer protection partner hit Chadbourne & Parke LLP Wednesday with a \$100 million proposed class action lawsuit in New York on behalf of all female partners at the law firm, alleging the firm's male-centric culture results in gender disparity in pay and bonuses.

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### **Majority Of Law Firms Increasing Tech Budgets, Survey Says**

More than half of law firms increased the percentage of their budgets dedicated to technology between 2015 and 2016, and security management continues to be firms' biggest challenge in terms of internet technology, a new survey released by the International Legal Technology Association said.

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### **Calif. Gov. Vetoes Pro Bono Requirement For Bar Entry**

California Democratic Gov. Jerry Brown has rejected a bill that would have required law school graduates to log at least 50 hours of pro bono work before joining the state bar, reasoning that the mandate would be an additional burden to law students already dealing with high tuition and shaky employment prospects.

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Oliver

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Cave

### **Calif. Pols Make Last-Ditch Effort To Pass State Bar Fee Bill**

With just hours left on the clock, California lawmakers were still unable as of Wednesday evening to get a bar funding bill on the extent of reforms needed for the embattled organization through political gridlock.

Chadbo  
& Parke

Cory  
Watson

### **Venable Privacy Pro To Become Firm Chairman In 2017**

Venable LLP on Wednesday announced that a privacy and data security partner, Stuart P. Ingis, is set to become the firm's new chairman when the long-serving leader of Venable steps down next year.

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Duffy

Davis  
Graham

### **Day Pitney Partner To Join Fed. Bankruptcy Court In Conn.**

A Day Pitney LLP partner will assume his new role as a U.S. bankruptcy judge for Connecticut on Thursday after practicing bankruptcy and restructuring law for more than 30 years, replacing a judge who recently retired and returned to private practice after decades of service, the firm announced.

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### **Rainmaker Q&A: Sheppard Mullin's Richard Simmons**

Being unafraid to "sell" by candidly describing your skills without going over the line is a talent. Having great Lakers seats at center court has never hurt either, says Richard Simmons, partner at Sheppard Mullin Richter & Hampton LLP.

Dentons

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### **Rainmaker Q&A: Kluger Kaplan's Alan Kluger**

A common denominator in all successful attorney-client relationships is the ability to

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&  
London

transcend the "traditional" attorney role and become one of the client's most trusted advisers. These kinds of relationships cannot be manufactured but rather take years to cultivate, says Alan Kluger, a founding member of Kluger Kaplan Silverman Katzen & Levine PL.

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Standing Rock Sioux Tribe

U.S. Army

U.S. Department of Homeland Security

U.S. Department of the Interior

Army Corps of Engineers

Bureau of Labor Statistics

California Environmental Protection Agency

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